

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Confirmation No. 6659

Yoshio UMEZAWA et al.

Attorney Docket No. 2006 1324A

Serial No. 10/589,255

Group Art Unit 1646

Filed January 18, 2007

PROBE FOR DETECTING NUCLEAR RECEPTOR AGONIST OR ANTAGONIST AND METHOD FOR SCREENING AGONIST OR ANTAGONIST TO NUCLEAR

RECEPTOR WITH THE USE OF THE SAME: Mail Stop: ISSUE FEE

## PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181(a)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEES FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975

Sir:

It is hereby petitioned that the holding of abandonment in the above-identified application dated July 7, 2008, be withdrawn.

The facts necessitating this petition are as follows:

- 1. A Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures was mailed September 10, 2007. This Notification had a two month shortened statutory period for response.
- 2. On November 13, 2007, i.e. within this shortened statutory period for response, Applicants filed a response to the Notification including a revised Sequence Listing in computer and paper form.
- 3. In support of the fact of such filing of a response to the Notice, enclosed is a printout from PAIR of the first page of the Preliminary Amendment with a date stamp indicating it was received by the PTO on November 13, 2007. It is noted that November 10 and 11, 2007 fell on a

Saturday and Sunday. It is further noted that November 12, 2007 was a Federal Holiday. Thus, this Preliminary Amendment was filed timely.

4. It is further noted that no further communications regarding this case were received from the USPTO. Further, there are no communications noted as being sent from the USPTO on the private PAIR website.

As is apparent from the above, the holding of abandonment of this application is incorrect. Thus, there is no abandonment in fact of this application, since the response to the September 10, 2007 Notification was timely filed.

In view of the above, it is requested that the holding abandonment be withdrawn.

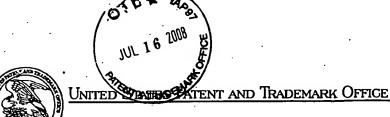
Respectfully submitted,

Yoshio UMEZAWA et al.

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Attorney for Applicants

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UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.	
10/500 255	Vachia I Imezawa	2006 1324Δ	

10/589,255

513 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021

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INTERNATIONAL APPLICATION NO.			
PCT/JP05/02660			
I.A. FILING DATE	PRIORITY DATE		
02/14/2005	02/12/2004		

**CONFIRMATION NO. 6659** 371 ABANDONMENT/TERMINATION



Date Mailed: 07/07/2008

### NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

• Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 09/10/2007 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

**DONNA S GREENE** 

Telephone: (703) 308-9140 EXT 222

WENDEROTH, LIND & PONACK



# IAP16 Rec'd PCT/PTO 13 NOV 2007

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Confirmation No. 6659

Yoshio UMEZAWA et al.

Attorney Docket No. 2006\_1324A

Serial No. 10/589,255

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Filed January 18, 2007

Examiner: not yet assigned

PROBE FOR DETECTING NUCLEAR
RECEPTOR AGONIST OR ANTAGONIST
AND METHOD FOR SCREENING AGONIST
OR ANTAGONIST TO NUCLEAR
RECEPTOR WITH THE USE OF THE SAME

Mail Stop: Missing parts

### PRELIMINARY AMENDMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures dated September 10, 2007, Applicants herein provide the following amendments and remarks.

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEES FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975

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